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Security Council

Sixty-sixth year

Provisional

6545th meeting

Monday, 6 June 2011, 10 a.m.

New York

President:	Mr. Messone	(Gabon)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Dunlop
	China	Ms. Guo Xiaomei
	Colombia	Mr. Osorio
	France	Mrs. Le Fraper du Hellen
	Germany	Mr. Berger
	India	Mr. Manjeev Singh Puri
	Lebanon	Ms. Ziade
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Pankin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mrs. DiCarlo

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Letter dated 12 May 2011 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2011/316)

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Letter dated 12 May 2011 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, addressed to the President of the Security Council (S/2011/317)

The meeting was called to order at 10.15 a.m.

Expression of thanks to the retiring President

The President (*spoke in French*): I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Gérard Araud, Permanent Representative of France, for his service as President of the Security Council for the month of May 2011. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Araud and his team for the great skill with which they conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

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The President (*spoke in French*): Under rule 37 of the Council's provisional rules of procedure, I should like to invite the representatives of Croatia, Rwanda — in an exceptional manner and after consultations among all members of the Council — and Serbia to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite the following to participate in this meeting: Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia; Judge Khalida Rachid Khan, President of the International Criminal Tribunal for Rwanda; Mr. Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia; and Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

I wish to draw the attention of Council members to the following documents: S/2011/316, containing a letter dated 12 May 2011 from the President of International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council; and S/2011/317, containing a letter dated 12 May 2011 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council.

I now give the floor to Judge Patrick Robinson.

Judge Robinson: It is an honour for me to appear before the Security Council today in my capacity as President of the International Tribunal for the Former Yugoslavia and to do so under the Presidency of His Excellency Mr. Nelson Messone, the Ambassador of Gabon. I would also like to take this opportunity to express my sincere appreciation to Portugal as the Chair of the Security Council's Informal Working Group on International Tribunals, as well as to the Office of Legal Affairs, for their cooperation with the Tribunal in respect of preparations for the commencement of the Residual Mechanism and the transfer of the residual functions of the Tribunal to the Mechanism.

At the close of the reporting period, 16 persons are in appeal proceedings, 14 persons are on trial, and four are at the pre-trial stage. One accused — Goran Hadžić — remains at large. To date, the Tribunal has

concluded proceedings against 126 of the 161 persons indicted by the Prosecutor.

On 26 May, Ratko Mladić was arrested in Serbia, having evaded justice for 16 years. He was indicted in 1995 by the Office of the Prosecutor for genocide, crimes against humanity and war crimes allegedly committed from 1992 to 1995 during the conflict in Bosnia and Herzegovina. On 31 May, he was transferred to The Hague, where he will face trial. The arrest of Mr. Mladić was a milestone in the Tribunal's history and brings us closer to the successful completion of our mandate, with Goran Hadžić remaining the sole fugitive.

As members of the Council know, the Tribunal has spearheaded the fight against impunity through the corpus of law it has developed in both the substantive and the procedural areas of international humanitarian law and international criminal law. With the trial of Mr. Mladić, the Tribunal will be removing yet another brick from the wall of impunity. Questions have been asked as to the impact of the trial of Mr. Mladić on the Tribunal's completion strategy. That there will be an impact is clear, but it is too early to say with certainty what the precise impact will be.

During the reporting period, the Tribunal not only faced unprecedented challenges, but also achieved unprecedented advancement in the implementation of its completion strategy. The Tribunal conducted proceedings in nine trials concurrently by doubling-up judges and staff so that they were working on more than one case at a time. The Đorđević trial and the *Gotovina et al.* trial were brought to a close. The Perišić trial is anticipated to be completed this year. Six trials are anticipated to conclude in 2012, and the Karadžić trial should be completed in 2014.

Following the criticism of the progress of the Tribunal's trials made by members of the Security Council during my last visit to the United Nations in December 2010 (see S/PV.6434), I wrote to the judges and convened a plenary to discuss the matter. I stressed the need for every measure to be taken to expedite the work of the Tribunal and to ensure that there was no slippage in the schedule. I am pleased to report that in three cases — the Đorđević case, the Stanišić and Simatović case, and the Stanišić and Župljanin case — the estimates from the last report (S/2010/413) have been maintained. In the context of the challenges facing the Tribunal, in particular those related to staffing, the maintenance of the estimates in these three trials is a remarkable achievement worth mentioning. The detailed reasons for the delays in the other trials are set out in the current report (S/2011/316, annex I).

During the reporting period, one judgement on review was issued. Appeals from four trial judgements are currently pending before the Appeals Chamber, and the judges of the Appeals Chamber remained fully engaged in appeals from the International Criminal Tribunal for Rwanda, rendering two judgements and hearing three cases in Arusha.

The Tribunal continues to take all measures possible to expedite its trials, without sacrificing due process. Over the years, the Tribunal has continually kept its procedures under review and has introduced a variety of reforms in order to improve its work. These reforms are detailed in my report and include the use of e-Court and e-Filing, amendments to the Rules of Procedure and Evidence, and case management techniques.

We face a particular problem with staffing in the Appeals Chamber, which is ultimately responsible — as members of the Council know — for writing the law of the Tribunal. For some time now, staff have been diverted to the Trial Chambers in an effort to complete the Tribunal's trial proceedings. This was and is entirely reasonable in light of the pressure to complete all trials, but it has necessarily resulted in the Appeals Chamber being extremely understaffed. The appeal schedule presented in my report has been revised in the light of a number of factors relevant to the pace of the Tribunal's appeal proceedings. Most significantly, the staffing crisis — which persists at the Tribunal — has led to revisions in the estimated times for the completion of all appeal proceedings.

In response, a new and more empirical methodology has been applied to appeal projections. Although this approach has led to the revised estimates in the current report, the long-term aim of the revisions is to present the Security Council with timelines that it is hoped will largely remain the same until the end of the work of the Tribunal. In order to counterbalance these revised estimates, the Appeals Chamber has been employing and will continue to employ a variety of efficiency measures to expedite its proceedings, including the limitation of amendments to grounds of appeal, the organization of judgement drafting, and the prioritization of work.

Having summarized the present status of our cases, I would now like to discuss three areas in which the Tribunal needs the support of its parent body, the Security Council.

The first area in which we need the support of the Security Council is the retention of our highly qualified staff. The most serious challenge to the completion of the work of the Tribunal is the perpetual departures of our uniquely experienced staff for more secure employment elsewhere. It would be irresponsible of me, as the President of the Tribunal, not to raise this issue with our parent body, the Security Council. I must tell the Council frankly that the staffing problem is so bad that it can now be described as chronic, systemic and endemic. We are in a staffing crisis. The stark reality is that, because the Tribunal is closing down, staff members are leaving. In a five-week period in April and May, eight members of the Chambers staff alone tendered their resignations. In the space of three days, three staff tendered their resignations. Those who are left behind witness their colleagues leaving for secure employment in other United Nations organs and institutions.

To make matters worse, those who are left behind have to pick up the extra work of those who have left and must train replacement staff members, which only increases their workload and exacerbates the problem. Moreover, when staff members leave, it often takes many weeks until a new staff member can be recruited in order to fill the remaining gap.

The staffing crisis has required me to become personally involved, in an unprecedented way, in specific staffing decisions on a weekly basis. Judges bring their Chambers' staffing problems to my attention. As a result, I have obtained an immense knowledge that might equip me some day for a career in human resources. But it may be questioned whether this is my proper role at the Tribunal.

The Security Council responded to the pleas of the Tribunal for assistance in stemming the alarming rate of departures by passing resolution 1931 (2010) in June 2010 and resolution 1954 (2010) in December 2010, which noted the importance of the Tribunal being adequately staffed to complete its work expeditiously and called upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the Tribunal in order to find practicable solutions to address this issue as the Tribunal approaches the completion of its work. But, following those two resolutions, although there has been improvement in some areas, more robust action is required.

I realize that the Security Council does not deal directly with staffing issues, but it must be acknowledged that the Council is composed of influential Member States that are also members of the General Assembly and its Fifth Committee. With that in mind, I implore the Member States of the Council to use that influence in order to support three specific measures for the Tribunal.

The first measure is a limited payment to staff members with more than five years of continuous service who remain until the abolition of their posts. Recognizing the economic benefit that a measure of this kind would be to the institution, the Advisory Committee on Administrative and Budgetary Questions recommended a similar proposal in 2008. In the long run, the retention of experienced staff is clearly the most efficient and cost-effective approach for the Tribunal, because the cost of replacing staff who leave is greater than that associated with providing the proposed retention incentive. This measure for the Tribunal to retain staff in an example of where we are actually spending to save.

The second measure is the endorsement of the Tribunal's stand that the Office of Human Re ources Management should reverse its position and approve our recommended list of staff members who should be converted to permanent contracts. The Tribunal could then proceed with the issuance of permanent contracts immediately, which would have a direct and dramatic impact on our staff retention. It has been almost a year since the Registrar submitted a list of personnel to be converted to permanent contracts. To date, no decision has been taken on the matter. In the meantime, staff members who are on that list have left. The delay in dealing with this matter may affect the rights of individuals concerned. The Central Review Panel, to which the requests have been referred, must issue a decision as soon as possible.

Thirdly, the Tribunal has been fortunate to be able to attract a number of highly qualified interns. It would be a great benefit to our work if we were able to hire such interns in circumstances where they have become integral members of a trial or appeal team. Unfortunately, under the current regulations, interns

cannot be hired within six months of the completion of their internships. We would therefore ask Member States to endorse the position that the Tribunal should be granted a waiver so that it can tap this resource and expand the pool of qualified and experienced candidates. In making this request, I hasten to add that there would be absolutely no financial consequences to waiving the six-month rule, and former interns would have to apply through the regular Inspira staff-selection process.

I raised the details of these matters with Member States last week, and so only mention them now very briefly. The Security Council, the Tribunal's parent body, must heed the call for action. We need the Council's influence and support if we are to complete the work with which it has tasked us. I must be blunt: if something is not done to alleviate the staffing crisis, the Tribunal will be forever reporting slippages in its work schedule. The schedule will continue to have to be revised, and international criminal justice will be compromised.

The second area in which we need the support of the Security Council involves the establishment of a victims' trust fund. In my previous reports to the Council, I raised the need for the compensation of victims and witnesses. More than 6,900 witnesses and accompanying persons from all over the world have been called to appear before the Tribunal. Without the courage of those witnesses to step forward and give evidence, there would be no trials, and impunity would reign. These victims of the conflict in the former Yugoslavia have a right to compensation under international law for the crimes committed against them. I have previously called upon the Security Council to establish a trust fund for victims of crimes falling within the Tribunal's jurisdiction, and thus to breathe life into the General Assembly's Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which was adopted in November 1985.

The Tribunal has been taking initiatives to have established some system for providing assistance and support to victims. I stress that those initiatives will not impose any obligations upon States to provide funding; rather, they contemplate voluntary contributions. This would go some way towards bringing the position of the Tribunal — which, after all, is the first international criminal judicial institution established by the United Nations — somewhat closer to the International Criminal Court, which has a trust fund for its victims. The Tribunal cannot, through the rendering of its judgments alone, bring peace and reconciliation to the region. Other remedies should complement the criminal trials if lasting peace is to be achieved, and one such remedy should be adequate assistance to the victims for their suffering. I therefore call upon the Security Council to lend its support to those initiatives.

The third area in which we need the support of the States members of the Council is the enforcement of sentences. The Tribunal has signed enforcement-of-sentence agreements with 17 States, most of which have been enforcing our sentences for years. We are very grateful for that. However, some of those States have become hesitant to enforce further sentences and have called for more equal burden-sharing among Member States. Other States have signalled that they would enforce only a fixed number of sentences at any one time and have declined the Tribunal's requests to receive additional convicted persons. Considering that up to 40 additional sentences may have to be enforced over the next few years, depending upon the outcome of trials and appeals, it has become evident that the Tribunal's current enforcement capacity is rapidly approaching its limit.

The enforcement of sentences is an integral part of the criminal justice system administered by the Tribunal and as envisaged by the Security Council. If sentences pronounced by the Tribunal remain unenforced, the Tribunal cannot be said to have completed its mission. It is my duty to inform the Council that, at present, there is a significant risk that the Tribunal will not have the capacity required to enforce all its future sentences. Despite the Tribunal's persistent efforts to secure additional enforcement agreements, States have been reluctant to enter into such agreements. The completion of the Tribunal's mandate requires that the enforcement of all sentences be secured before the Tribunal closes. I therefore appeal to the international community to urgently work with the Tribunal in finding a viable solution to the enforcement-capacity issue.

In conclusion, I want to emphasize the Tribunal's steadfast commitment to the expeditious conduct of its proceedings in full compliance with due-process standards. Everyone at the Tribunal is working as hard as he or she can to complete the mandate entrusted to us by the Security Council.

The Tribunal is nearing the end of its mandate, but we still require the support of our parent body in the three areas that I have outlined here today: staff retention, the establishment of a victims' trust fund, and the enforcement of our sentences.

We at the Tribunal have kept faith with the vision of the Security Council, and now we need the Council to reciprocate that faith and to give us the support that we desperately need to complete the work that the Council started.

The President (*spoke in French*): I thank Judge Robinson for his briefing.

I now give the floor to Judge Khalida Rachid Khan.

Judge Khan: It is a great honour for me to address the members of the Security Council as the new President of the International Criminal Tribunal for Rwanda.

I would like to begin by congratulating the representative of Gabon, who is presiding over the Security Council in June. I wish you, Sir, all the best for a successful tour of duty.

I am pleased to present the members of the Security Council with the fifteenth completion strategy report of the International Criminal Tribunal for Rwanda (see S/2011/317, annex I). I would like to express the appreciation of the entire Tribunal to the Governments of the members of the Council and to the Secretariat for their continued trust and support at all levels over the last six months. I would also like to congratulate Council member Portugal, which has taken over as Chair of the Informal Working Group on International Tribunals.

In the second half of this year, the Tribunal will render judgments in five more cases with respect to 14 accused persons. For two cases where fair-trial considerations required the provision of more time, judgment will be delivered in the first quarter of 2012. The Military II judgment involving four accused persons was delivered on 17 May, and the Butare judgment, involving six accused, will be delivered on 24 June. The *Bizimungu* judgment will be delivered by August, and the *Karemera*, *Ndahimana* and *Nzabonimana* judgments will be delivered in the fourth quarter of this year. Therefore, almost all of our current caseload will have been completed by the end of 2011. Of course, there are a number of referral applications of cases to Rwanda under review. The trial decision in the case of Jean-Bosco Uwinkindi is due to be rendered at the end of this month, and the inevitable appeal is projected to be finished in October.

The Prosecutor has made a new arrest. Bernard Munyagishari was arrested in the Democratic Republic of the Congo about two weeks ago. This new arrest may not lead to trial activity if the referral applications to Rwanda are accepted. However, if the *Uwinkindi* application is denied and no other country is willing and able to try Munyagishari, the trials of both will be held at the ICTR, and, because we conduct these applications and pretrial simultaneously, the trials would most likely be finished by late 2012.

The Tribunal has also begun the hearings for preservation of evidence under rule 71 bis in the case of one fugitive, Félicien Kabuga, and two others will begin in the fall. As an additional judicial workload, we also anticipate at least three proceedings for contempt of court beginning early next year.

In terms of appeals, a further five appeal judgments are expected to be delivered in the second half of 2011, and a total of 11 are expected by the end of 2014.

Due to fair-trial considerations, our judicial calendar can only provide estimates of expected judgment delivery dates. However, our success at meeting the targets set in the completion strategy reports continues to improve, thanks to our trial management initiatives. Those initiatives, which were largely introduced after 2007, have shortened the time required for pre-trial and trial, while upholding the highest standards of fair-trial rights.

We can maintain this progress only if we remain adequately staffed. Here I would like to thank our staff for their continuing determined efforts to advance the mandate of the Tribunal, often under difficult circumstances.

Staff retention remains a critical issue. The staffing situation is delicate, and any increase in departures would endanger our ability to meet our completion strategy targets. As an institution in the final stages of its mandate, we have specific problems that cannot be solved by applying standard human resources policies. In this regard, we support President Robinson's proposal for a limited payment to staff

members with more than five years of continuous service who remain until the abolition of their posts.

We also have a large number of staff on temporary contracts. Those contracts will have to be extended past the permitted 729-day period, and we will need the support of the Secretariat to do that. We appreciate that in its resolutions the Council continues to note the importance of adequate staffing for the Tribunals and calls on the Secretariat to work with the Tribunal Registrars to find practical solutions to the issue. I would also like to thank Council members and the General Assembly for recognizing with a one-time ex gratia payment the significant contribution that ad litem judges have made to the work of the Tribunal.

Next, I turn to the issue of management positions in the Tribunal Chambers. The permanent judges in Arusha have already begun to leave. Some will resign when their cases end, and others will be redeployed to the Appeals Chamber. Under the present rules, in a short while, once all the permanent judges have left, we will not be able to fill the critical positions of President and Vice-President of the Tribunal. We have therefore requested, through the Secretary-General, that the requirement that the President be a trial judge resident in Arusha be removed, and that provision be made for an ad litem judge to be elected Vice-President and to act as President in the President's absence.

State cooperation continues to be an important factor in the Tribunal's success. In the last few weeks, Judge Byron rendered decisions on the transfer of four convicts to Member States for enforcement of their sentences. I would like to thank all the States that have concluded agreements with the Tribunal on receiving convicts for their cooperation.

We would also like to encourage Member States to consider accepting referral applications from the Tribunal. Nine fugitives still remain at large. We are pleased that the most recent arrest, of Bernard Munyagishari, was made about two weeks ago. The Tribunal relies on the cooperation of Member States in the tracking, arrest and transfer of fugitives. We look forward to the early and speedy conclusion of the work of the joint ICTR/Kenya task force in the tracking, apprehension and transfer of the fugitive Félicien Kabuga. The Prosecutor will provide the Council with a more comprehensive briefing on this matter.

I would like to draw the Council's attention to the increasingly problematic issue of relocating the acquitted. Under any national jurisdiction, a person acquitted of criminal allegations is set free and allowed to fully reintegrate into society. This, unfortunately, is not the case for those acquitted by the Tribunal. They remain trapped in Arusha while they wait to be relocated to a safe country. As acquitted persons, they should be in a position to fully enjoy their rights, including the right to life, which encompasses the right to family, education and employment. Instead, they are separated from their families and unable to pursue further education or any form of employment.

Five out of eight of those acquitted have been able to join their families in their country of choice, in most cases following lengthy and difficult negotiations. Regrettably, this has not been the case for three acquitted persons who remain in safe houses in Arusha. For one of them, André Ntagerura, it has been almost five years since his acquittal was confirmed by the Appeals Chamber.

The challenge of relocation is the unfortunate result of the absence of a formal mechanism for securing the support of Member States in accepting such people in their territories. The ICTR considers the resettlement of persons acquitted by an international criminal tribunal to be a fundamental expression of the rule of law and is seriously concerned about the consequences of failing to fulfil this obligation.

This view was shared by the United Nations refugee agency in a meeting of experts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and of the ICTR organized in Arusha in April. One of the conclusions of the joint expert meeting recognized that the Security Council is where the plight of the acquitted persons belongs and that the Tribunal has no other choice but to call upon the Council for its assistance in finding a sustainable solution to this issue. The Security Council will shortly receive a joint dossier on this matter prepared by the UNHCR and the ICTR.

Moreover, the relocation of convicted persons who have served their sentences also needs urgent attention. These persons have even fewer avenues for resettlement open to them. This issue is destined to become growing problem in the years to come.

Lastly, I would like to provide an update on the progress towards the Residual Mechanism, which was established by this Council in resolution 1966 (2010), six months ago. We are working hard, under tight

deadlines, to ensure that the Residual Mechanism will be a small and efficient institution. In close cooperation with the International Tribunal for the Former Yugoslavia, we are providing input to the Office of Legal Affairs on the Mechanism's draft rules of procedure and evidence and developing a proposed budget, staffing requirements and joint policies for access to and security of the archives of the Tribunals and the Mechanism. We are doing all of this while relying on our existing staffing resources — which are already stretched thin — and engaging in full-time efforts to complete our core judicial work.

I want to thank the Council for the commitment and the support it has shown the Tribunal over the last 17 years. I look forward to working closely with the Council to ensure the success of the Tribunal in the final stages of its mandate.

In the same way that the jurisprudence of the Tribunals set a precedent for international criminal justice, we hope that our efforts to meet the goals of the completion strategy may also guide the closing of future tribunals. As the Tribunal has gained experience, delays have been reduced and effectiveness in approaching the strategy has increased. The lessons learned from the Tribunal's efforts to implement a completion strategy must be shared with other institutions embarking upon such endeavours, so that difficulties can be minimized and best practices maintained and implemented.

The Tribunal has been engaged in work directly related to the Rwandan genocide for more than 17 years. That genocide has greatly affected everyone at the Tribunal, and seeking justice for the victims continues to drive our commitment to the goal of ensuring that never again will such atrocities occur. As the Tribunal's mandate draws to a close, we hope that our work will lead the way in the continued fight against impunity.

The President (*spoke in French*): I thank Judge Rachid Khan for her briefing.

I now give the floor to Mr. Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia.

Mr. Brammertz: Thank you, Mr. President, for giving me this opportunity to address the Council on the progress made by my Office towards the completion of our mandate.

Some recent developments have shown significant advances in establishing accountability for the crimes committed during the wars in the former Yugoslavia. Foremost among these, of course, is the arrest of Ratko Mladić, who for 16 years evaded capture and transfer to The Hague. The arrest is significant on many levels. For victims of the crimes alleged against Ratko Mladić, it is a long overdue opportunity for redress. For the International Tribunal for the Former Yugoslavia (ICTY), it removes one of the last obstacles to holding accountable those most responsible for the wartime atrocities in the former Yugoslavia. For international criminal justice, it is a welcome confirmation that accountability for war crimes is not a fleeting interest, but an enduring value.

Serbia now has an important opportunity to help the public understand why Ratko Mladić has been arrested and why justice demands that he stand trial. We thank the Serbian authorities for making the arrest, and we particularly acknowledge the role played by the National Security Council, the action team established to track the fugitives and operatives from the security services.

In our written report (S/2011/316, annex II) we were critical of Serbia's efforts to locate the fugitives, and we identified a number of operational shortcomings for the Serbian authorities to address. We urged them to translate their stated commitment to arresting the fugitives into concrete action and visible results. With the arrest of Ratko Mladić, Serbia has taken a considerable step towards achieving that objective. Serbia has met one of its key obligations to the Tribunal and simultaneously acknowledged the rule of law as a central building block for its future.

While the arrest of Ratko Mladić is an excellent result, the fact remains that he was at large for 16 years. That raises troubling questions about how it was possible for this individual to elude the substantial resources of a State for so many years. We welcome the Serbian Government's statement that it will investigate and prosecute the networks that supported Ratko Mladić during his time in hiding. We also welcome the Government's expressed determination to expose and punish any State official who assisted him. We ask the Serbian Government to follow through on those undertakings as a matter of priority.

We also ask the Serbian Government to continue the operational improvements that led to Ratko

Mladić's arrest. The recommendations set out in my report for strengthening Serbia's fugitive-tracking efforts remain valid. We want the remaining ICTY fugitive — Goran Hadžić — apprehended without further delay.

When it comes to our ongoing trial and appeal proceedings during this reporting period, Serbia has promptly provided access to the documents and archives we have requested. The Serbian National Council for Cooperation with the Tribunal continued to promote cooperation among the different Government bodies handling requests from our office. Similarly, we received prompt and adequate responses from Bosnia and Herzegovina to our requests to access documents and Government archives.

From Croatia in general, timely and adequate responses were received concerning our requests for witnesses and evidence. However, during the reporting period, limited progress was made in locating the missing military documents concerning Operation Storm. Nevertheless, on 15 April the Trial Chamber rendered its judgement in the *Gotovina et al.* case and found that the crimes against Gotovina and Markač were proven based on the evidence submitted at trial. It is, however, unfortunate that in the aftermath of the judgement, the highest State officials failed to comment objectively on the outcome of the case.

From cooperation, I move to another core development: the progress of our trials and appeals. In this reporting period, we have finalized a large component of our trial work. We have completed the presentation of the Prosecution's case-in-chief in all but three cases. We must now add the Mladić case to that list. As the focus of our attention turns towards the appellate phase of proceedings, we are positioning ourselves to deal effectively with the intense appellate caseload on the horizon.

We are also making steady progress towards implementing the Security Council's resolution 1966 (2010 establishing the International Residual Mechanism for Criminal Tribunals. We are conscious of the dates that have been set for the Residual Mechanism to begin taking over the ICTY's remaining work, and we are assisting our Registry colleagues with the necessary preparations. We are also working together with our counterparts at the International Criminal Tribunal for Rwanda to ensure a coordinated and efficient structure for the two prosecution offices of the Mechanism.

As we approach the completion of our mandate, staffing issues remain a significant concern. Staff attrition is now a sharp reality, leaving our remaining staff members to shoulder unrealistically heavy burdens. Retaining our key staff will become a growing problem for us in the next reporting period.

A further reflection that we are nearing the end of our work is our intensifying focus on supporting national war crimes prosecutions. It is a positive development to see prosecution offices in the region taking over responsibility for making sure that the crimes committed during the war are punished. However, cooperation among prosecutors in the region must be a priority in order to resolve problems such as parallel investigations. In July, we expect that an agreement will be signed between Bosnia and Serbia to improve the situation. We hope that increased cooperation between Bosnia and Serbia will also lead to more effective efforts to apprehend Radovan Stanković, who remains at large nearly four years after escaping from prison in Foča.

Improvements in regional cooperation will depend on strong national war crimes strategies in each country. We are deeply concerned by recent political initiatives in Bosnia and Herzegovina that sought to undermine the work of the State Prosecutor's Office and the State war crimes court.

In conclusion, over the past six months we have made great strides towards the successful completion of our mandate. The long-awaited arrest of Ratko Mladić stands out as one of the most significant developments, and we are committed to moving ahead expeditiously with his trial. At the same time, we ask the international community to ensure that we have the resources needed to complete our work. We also call upon Governments in the former Yugoslavia to support our work and to use it as a platform for promoting reconciliation in the region.

The President (*spoke in French*): I thank Prosecutor Brammertz for his statement.

I now give the floor to Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

Mr. Jallow: During the period covered by the report on the completion strategy of the International

Criminal Tribunal for Rwanda (ICTR) (see S/2011/317), my Office has continued to focus its efforts on the completion of ongoing trials, the referral of cases to Rwanda, evidence preservation proceedings, the conduct of appeals, the intensification of our tracking efforts, and the provision of assistance to national authorities in respect of cases being investigated or prosecuted by them.

During that period, we have received judgements in respect of five accused persons and completed the evidence phase in respect of four other accused persons, while trial proceedings are at an advanced stage in the two remaining cases. Subject to the decision of the Trial Chambers on our referral application of the detainee Jean Uwinkindi and the disposal of the case of Bernard Munyagishari, the new arrestee, and any arrests effected prior to 30 June 2011, the trial workload of my Office in respect of current detainees should thus conclude by the end of 2011.

The evidence preservation proceedings have also been commenced in the case of Félicien Kabuga. Those in respect of Protais Mpiranya and Augustin Bizimana will commence shortly, with all proceedings in respect of those three cases scheduled also to conclude by early next year.

The appeals workload has entered an intensive phase as new judgements are delivered. In addition to prosecuting the three Rule 11 bis cases — that is, the referral cases — the Appeals Division, since my last report (S/2010/574), has been actively prosecuting 12 cases involving a total of 18 separate appeals.

The Division has also been preparing the groundwork for new appeals expected to be filed in connection with three multiple accused cases, for which judgements are likely to be delivered in the course of the year. Those three cases alone may generate up to 28 new prosecution and defence appeals to be argued during the remainder of 2011 and in 2012.

In the months ahead, we plan to file additional requests for the referral of the cases of the remaining four fugitives and one new arrestee to national jurisdictions for trial, to intensify efforts in tracking, to prepare for the commencement of the remaining evidence preservation proceedings, to conclude trial preparations in respect of current detainees, and to have case files ready for transfer to the Residual Mechanism for consideration for referral or trial, as the case may be.

We will devote time and resources to updating the case files in respect of the six other fugitives to ensure their readiness for trial or transfer and their handover to the Mechanism. That would considerably reduce the workload of the Mechanism when it comes into operation in the middle of next year.

In a further attempt to implement the referral strategy of the ICTR and while continuing our focus on Rwanda, I visited a number of European States in April this year and held discussions with senior officials to encourage their Governments to consider accepting cases for trial from the ICTR. I wish to record my appreciation for their warm reception, and look forward to their positive consideration of our requests.

The strategy of referral of cases remains crucial for a timely completion of the ICTR mandate, the reduction of the scope and workload of the Residual Mechanism, and the avoidance of impunity gaps by encouraging extradition by other countries to Rwanda. I am also hopeful that the only cases referred so far by the Tribunal, which went to France, will receive greater attention in the course of this year in the French courts.

Alongside the attempts at referral, we will continue to give priority to the tracking and arrest of the fugitives. I am happy to report in that respect that, pursuant to the mandate of the Council of Ministers of the International Conference on the Great Lakes Region, held in Brazzaville, the Republic of the Congo, I have recently had very fruitful discussions with its Executive Secretary Ambassador Mulamula on cooperation in the tracking and arrest of ICTR fugitives, most of whom are located in the territory of States members of that organization. Concerted efforts by States members of the International Conference, in collaboration with the ICTR, promise to bring to account those fugitives who have not only evaded justice for so long but have also been a source of insecurity and instability in the Great Lakes region.

I am further pleased to report to the Council that one of those fugitives, Bernard Munyagishari, a leading member of the Interahamwe indicted for genocide and related crimes, was arrested by security officers of the Democratic Republic of Congo on 25 May, in cooperation with ICTR officers. We look forward to his early transfer to the ICTR by the authorities of the Democratic Republic. I would like to take this opportunity to congratulate and thank the

Government for the cooperation that has made this arrest possible.

This latest arrest reduces to nine the number of fugitives that are now outstanding with respect to the ICTR. I am confident that the continued cooperation of the Democratic Republic of the Congo will facilitate the timely arrest of these fugitives, the majority of whom are in that country.

We welcome the reactivation in November 2010 of the joint ICTR/Kenya police task force, which has been working on the Kabuga case file. I look forward to the assistance of the Government of Kenya in the tracking and arrest of this top-level fugitive and in finally closing this file. We continue to experience difficulties in the tracking of top-level fugitive Protais Mpiranya, former Commander of the Presidential Guard. I would urge greater cooperation and assistance on that file from the Government of Zimbabwe.

Staff attrition due to early departures and administrative regulations continues to pose a difficult challenge. We are in discussions with the relevant United Nations departments on this matter and hope for a quick and satisfactory solution.

Pursuant to the decision of the Security Council in resolution 1966 (2010), the ICTR branch of the Residual Mechanism will become operational on 1 July 2012. Accordingly, we have focused on and will continue to attend to ensuring a smooth transition to and the effective commencement of our branch of the Mechanism. A consultative process between the Prosecutors of the ICTR and the ICTY has been established for this purpose and an understanding arrived at between the two Prosecutors regarding the structure and the staffing and resource requirements of the common Office of the Prosecutor in line with the wish of the Council for the Mechanism to be a lean and effective institution.

Despite the current challenges and those expected in the process of winding down, we remain committed to an efficient, effective and timely closure of the Tribunal and are confident that that can be achieved, as well as a smooth and timely transfer of residual functions to the International Residual Mechanism.

I would like to thank the members of the Security Council, States Members of the United Nations, and the Secretariat for all their support, which has proved valuable to the execution of our mandate. I look forward to the continuation of such support in the critical transition to the Residual Mechanism.

The President (*spoke in French*): I thank Prosecutor Jallow for his briefing.

Following consultation with all Council members, and on an exceptional basis, I now give the floor to the representative of Rwanda.

Mr. Gasana (Rwanda) (*spoke in French*): Allow me to begin by congratulating you, Mr. President, on your accession to the presidency of the Council for this month. You are the pride of Africa, Sir, and we are very honoured indeed to have you as the President of the Council for this month. Allow me also to present my deep gratitude for the exceptional gesture made by the members of the Council of giving me the privilege of speaking before them.

(*spoke in English*)

I thank the Council for the opportunity to contribute to the debate on this issue of crucial importance to Rwanda. My delegation wishes to thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and of the International Criminal Tribunal for Rwanda (ICTR) for their reports on the completion strategies of their respective Tribunals (see S/2011/316 and S/2011/317).

I take this opportunity to congratulate Judge Khalida Rachid Khan for her election as President of the ICTR and wish her every success in presiding over that Tribunal, which was established by the Council to render justice to humanity. I also pay tribute to Judge Dennis Byron for the tremendous job he has done over the last four years, during which many trials were concluded, and wish him to continue on his path as ICTR Vice-President.

We recognize and commend the Government of Serbia for the recent arrest of ICTY fugitive Ratko Mladić. We also recognize and commend in particular the Government of the Democratic Republic of the Congo, together with the ICTR tracking unit, for the arrest of ICTR fugitive Bernard Munyagishari. Rwanda continues to urge all other Governments to fulfil their obligations to cooperate with the two Tribunals in arresting the remaining international fugitives, especially Félicien Kabuga and Protais Mpiranya, and to facilitate their prosecution.

The Government of the Republic of Rwanda has consistently extended its cooperation and support to enable the ICTR to effectively execute the mandate entrusted to it by the Security Council. Rwanda continues to facilitate unfettered access to witnesses for both the defence and the prosecution and is assisting in the movement of witnesses to and from the Tribunal's seat in Arusha, Tanzania. Rwanda also continues to ensure the security of witnesses through the Rwanda Witness Protection Service that was established with the support of the Office of the ICTR Prosecutor.

My Government continues to support investigations initiated by both the prosecution and the defence without prejudice to either, and we continue to provide the necessary documents for the conduct of the trials. Rwanda continues to operate a detention facility that meets the standards set by the Tribunal and which currently houses convicts who were transferred from the Special Court for Sierra Leone.

The Government of Rwanda has stated on different occasions its position on the International Residual Mechanism for Criminal Tribunals, as established under resolution 1966 (2010). Our preference was the full closure of the International Tribunals and the transfer of the remaining cases to national jurisdictions, especially those of the concerned countries, through implementation of the completion strategy for the Tribunals as called for in Council resolutions 1503 (2003) and 1534 (2004). Nevertheless, I reiterate the pledge of our Government to fully cooperate with the International Residual Mechanism.

While the Government of Rwanda will support the work of the Residual Mechanism, just as it has supported the ICTR over the years, we also expect the judges and staff of the Residual Mechanism to cooperate with the Government of Rwanda and to honour its enumerated legal obligations and other agreements.

We recognize that provisions in the ICTR rules of procedure and evidence grant the President of the Tribunal the prerogative to transfer genocide convicts to prisons in a number of countries that have agreements with the United Nations for the enforcement of ICTR sentences. We remind the Security Council that rule 103 of the rules of procedure also requires the ICTR to notify the Government of Rwanda prior to a decision on the place of imprisonment. In the past, the Tribunal has not honoured this explicit written requirement to notify us before undertaking any such transfer of convicts. We learned about those transfers well after they had been effected and the convicts resettled in countries distant from the scene of the crimes.

The Rwanda delegation seizes this opportunity to urge in the most forceful and professional manner that every effort be taken to ensure that all of the remaining trials of ICTR indictees be completed before the four-year period given to the Residual Mechanism to discharge its mandate has elapsed. In our view, it would be inappropriate for the international community to entertain costly and unjustified requests to extend operation of a residual court beyond 30 June 2016 with the intention of delivering justice for genocide crimes committed in Rwanda in 1994.

We also insistently urge the Security Council to obtain from the Prosecutor and the President of the ICTR an official report on the status of the prosecutions of the two cases that were transferred to France for trial in November 2007. We note that, under rule 11 bis of its rules of procedure, the Tribunal has the right and the duty to revoke those referrals to the French courts, if they continue to delay prosecution of Father Wenceslas Munyeshyaka and Laurent Bucyibaruta.

The Government of Rwanda reiterates its request that the archives and records of the ICTR be transferred to Rwanda upon the completion of the Tribunal's mandate. Rwanda desires to host the archives to ensure their accessibility to genocide survivors, the families of those who were killed, researchers and the broader international community. In addition, many original documents that originated from Rwanda remain the property of the lending institutions and individuals. The archives of the Tribunal should be transferred to Rwanda because, for us, those records constitute an integral part of our history, are vital to the preservation of the memory of the genocide and will play a critical role in educating future generations to guard against genocide denial and revisionism. Locating the archives in Rwanda as part of a larger information and genocide research centre would be an appropriate tribute to the victims of the 1994 genocide of the Tutsi in Rwanda. The archives and research centre, to be co-managed by the United Nations, would also serve as a regional resource for

achieving the mission of the United Nations system to promote peace and to ensure the prevention of genocide.

Allow me now to address an issue of the utmost concern to my Government, namely, the ongoing scourge of genocide denial by some in the academic and legal professions, including ICTR defence lawyers. Some of these defence attorneys are leading an international campaign to misrepresent, misinterpret and openly deny that, in 1994, there was a genocide perpetrated against the Tutsi in Rwanda — a genocide recognized by the Council in its establishment of the ICTR and reaffirmed in 2006 by the Appeals Chamber of the same Tribunal as a notorious fact of common knowledge, of which the Trial Chambers must take judicial notice.

Such attempts to revise history and deny the legally acknowledged genocide perpetrated against the Tutsi are, in our view, not only morally reprehensible but also a violation of the ethics and rules of professional conduct for attorneys. We note with keen interest the provision in article 29 of the statute of the Residual Mechanism requiring defence counsel to "respect the laws and regulations" of the countries to which they are admitted to perform official duties while representing their clients who have been indicted by United Nations Tribunals or by the Residual Mechanism. It is our expectation that the rules being promulgated for the residual court will include provisions similar to those in the ICTR rules of procedure outlining the obligations of defence counsel and the sanctions to be imposed when they engage in impermissible conduct.

The Government of Rwanda will of course continue to ensure that, without prejudice or favour, any individual who engages in revisionism or denial of the 1994 genocide perpetrated against the Tutsi be brought to justice in accordance with the Rwandan Constitution and other legal instruments.

Allow me here to repeat once again that, notwithstanding the commendable job that the staff of the Tribunals and the United Nations Office of Legal Affairs have done, there remain some critical, unresolved residual issues that are not addressed by the statute for the Residual Mechanism or by the accompanying transitional arrangements. We recognize that the ad hoc Tribunals are transitional justice works-in-progress — indeed, work that has been in progress for 17 years, in the case of the ICTR. But this transition must end at some appointed time. The Residual Mechanism appears to prolong the transition, rather than provide an avenue for the international community to hand over the long-term duty for prosecuting genocide suspects to permanent courts in national jurisdictions. Rwanda is willing to assist the Council to find acceptable solutions to the difficult residual functions that are not yet resolved.

I assure the Council that we are ready, willing and able to receive cases referred for trial in Rwanda; to receive convicts to serve their prison terms in Rwanda; to provide resettlement and a transition to national community life for acquitted persons and convicts who have finished serving their sentences; and to collaborate with the Tribunal in establishing information and documentation centres to make the records and archives of the ICTR widely available to the public.

In conclusion, thank you again, Mr. President, for the opportunity to contribute to this dialogue and to reiterate my Government's continued commitment to supporting the work of the ICTR and the new Residual Mechanism.

The President (*spoke in French*): I shall now give the floor to the members of the Security Council.

Mr. Barbalić (Bosnia and Herzegovina): I wish to thank Judges Patrick L. Robinson and Khalida Rachid Khan, the respective Presidents of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), as well as the Prosecutors of the Tribunals, Mr. Brammertz and Mr. Jallow, for both detailed reports and extensive briefings today. We wish to congratulate Judge Rachid Khan on assuming her important position and to thank Judge Byron for his years of tireless work and efforts in pursuing justice for victims and their families. For so many years now, the Presidents and Prosecutors of the Tribunals have shown their dedication to justice and the fight against impunity, for which we commend them. I also wish to underline the contribution of all the staff of the Tribunals and to thank them for their tireless work.

For almost 18 years now, the Tribunals have been led by the idea of justice for all those who suffered and, although slow, their course has been steady and unyielding. Justice is the only consolation for those

who lost their loved ones, or even their entire families. In that context, we welcome the fact that Ratko Mladić and Bernard Munyagishari will finally face justice and be seen for what they truly are. We also hope that Goran Hadžić, Félicien Kabuga and the eight other fugitives will also face justice sooner rather than later.

Bosnia and Herzegovina has extended unconditional support to the Tribunals throughout the years, especially to the work of the ICTY. The crimes that were committed deeply affected our respective regions, and, as a significant contribution to reconciliation and a better future, the Tribunals' work is of great importance. My country remains committed and dedicated to providing continued support for both Tribunals until the full completion of their mandates and transition to the Residual Mechanism.

That dedication is further reflected in the record of continued positive cooperation between Bosnia and Herzegovina and the ICTY. As stated, authorities of my country, at both the State and entity levels, have responded promptly and adequately to all the requests for documents and access to Government archives. Assistance in facilitating the appearance of witnesses before the Tribunal is consistent, together with assisted witness protection matters. Urgent requests are handled satisfactorily. The cooperation has been particularly constructive with regard to the rule 11bis cases transferred by the Office of the Prosecutor to the War Crimes Chamber of the State Court of Bosnia and Herzegovina. As stated in the report, all cases transferred pursuant to rule 11bis have been completed.

Furthermore, we fully agree that cooperation between the countries in the region is highly important, and all efforts are aimed at improving and enhancing cooperation through numerous bilateral agreements that will address possible deficiencies.

Considering the reports before us, we note all the steps the Tribunals have taken to meet their completion strategies. It is a demanding task, especially having in mind the numerous unforeseen obstacles they face that are beyond their reach and out of their control. Those obstacles seem especially characteristic of the work of the ICTY, with several of the accused exercising their right to defend themselves and the difficulties and delays arising from such trials. We also commend both Tribunals for undertaking preparations for the timely transition to the Residual Mechanism, in accordance with resolution 1966 (2010), and find this also a very important aspect in preserving their legacies. We encourage the Tribunals to continue their work in an expedited and efficient manner, without affecting due process and the interest of justice.

Final successful completion of the Tribunals' mandates will close out a chapter that will be considered historic, just as their contribution to international jurisprudence is groundbreaking and the international justice system has been irreversibly changed with their establishment. Their contribution to the advancement of the rule of law, peace and reconciliation is undoubted, as there would be no meaningful peace without justice and no common future until the past is put to rest.

Mrs. Le Fraper du Hellen (France) (*spoke in French*): I would like to begin by thanking the Presidents and Prosecutors of the International Criminal Tribunals for their biannual reports.

This Council debate takes place, of course, at an historic moment, as Ratko Mladić — one of those allegedly responsible for the Srebrenica genocide — has just made his initial appearance before the International Tribunal for the Former Yugoslavia. On 25 May, Mr. Alain Juppé, Minister for Foreign Affairs of France, said of that arrest:

> "My thoughts go first to the families of the victims. This arrest brings to a close 16 years of impunity. It will finally make it possible for justice to be done and will contribute the reconciliation of the Western Balkans, which France continuously calls for."

The Security Council also expressed its satisfaction in its statement to the press of 27 May. In that statement, we highlighted the commitment of President Tadić regarding the arrest of the fugitive Goran Hadžić.

We would also like to highlight the statements made by the Prosecutor about cooperation of the States of the region. The European Union and France closely follow the Prosecutor's reports on the issue of cooperation, which is a key element for accession to the European Union.

When it comes to the International Criminal Tribunal for Rwanda, I welcome the new President of the Tribunal, Judge Khan, and wish her the greatest success in her work and in the exercise of her mandate. Together with Prosecutor Jallow, she has provided a

detailed picture of the Tribunal's current situation. Of course, the arrest of Bernard Munyagishari in the Democratic Republic of the Congo is an important event. The Security Council noted this in its remarks to the press also on 27 May.

But nine accused remain at large, including three high-ranking fugitives: Félicien Kabuga, Augustin Bizimana and Protais Mpiranya. We hope there will be swift progress in the case of Protais Mpiranya, whose name is continuously mentioned, including in the context of the current violence in the Democratic Republic of the Congo and Zimbabwe. We note that the Prosecutor is awaiting information from Kenya regarding the case of Félicien Kabuga, and it is our hope, as it is his, that the Kenyan authorities will be able to demonstrate their diligence by promptly arresting Félicien Kabuga.

I would also like to thank Prosecutor Hassan Jallow, who visited France last April, with regard to the two cases transferred to France in 20 November 2007, to which the French judicial authorities attach the highest importance.

In resolution 1966 (2010), adopted in December, the Security Council established a timeline for the completion of the work of the two Tribunals and the establishment of the Residual Mechanism to conclude the proceedings. We would like to thank both the representatives of the Tribunals and the Office for Legal Affairs of the Secretariat for the efforts made to follow this timeline.

But the Security Council, which established the timeline, is also responsible for enabling the Tribunals to carry out their mandate successfully. It must find pragmatic solutions, in particular to the problems of staff retention that were mentioned here today. That is one of the objectives established by the Chair of the Security Council Informal Working Group on International Tribunals, the representative of Portugal, and we will support him in his efforts.

Recent arrests have made it possible to send an important message to all of those who today still try to come to power - or stay in power - by ordering and planning attacks against civilians, to all those who, when faced with an international criminal justice arrest warrant for war crimes, crimes against humanity or the crime of genocide, think that they can count on weariness or inaction on the part of the Council. They *are mistaken. The Council has demonstrated through* the years and again recently its determination to fight impunity, and an arrest warrant has no expiration date.

Mr. Pankin (Russian Federation) (*spoke in Russian*): We would like to take this opportunity to thank the French presidency for leading the Council's work successfully in May, and we wish you every success, Mr. President, in leading the Council this month. We also thank the Presidents and Prosecutors of the Tribunals for presenting their reports.

Today's briefings by the leadership of the Tribunals is particularly important, as it is the first since the adoption of resolution 1966 (2010), which set specific dates for the launch of the Residual Mechanism for the Tribunals and the deadlines for the functioning of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR).

In considering the reports of the Tribunals in terms of the demands laid out in that resolution, first and foremost we would note the progress made in their work over the last half a year. Several major proceedings were completed. The process of preparing to transfer cases to the Residual Mechanism is moving ahead. We note the arrest by Serb authorities of Ratko Mladić and his transfer to The Hague. We also welcome the arrest in the Democratic Republic of the Congo of Bernard Munyagishari, an individual sought by the ITCR. We understand that, in accordance with current plans, his case will be referred to the relevant national court.

On the whole, we believe that the cooperation with the Tribunals of all States in the respective regions during the reporting period to be positive. With respect to the pace of the Tribunals' closing, we note the efforts of the ICTR, whose work remains on schedule for completion in accordance with the aforementioned resolution. Unfortunately, we are again unable to give a positive assessment to the work of the ICTY in that area. Its report (S/2011/316, annex I) contains newly updated timelines for the consideration of cases, which is a source of serious concern. For instance, the consideration of the Karadžić case has been extended. Increasingly odious is the case of Šešelj, who has already spent almost nine years in detention awaiting a decision in the first instance. There are plans to extend the timeline in his case, too.

These delays fail to meet any conceivable *standard of civilized international justice. The*

reconsideration of the *Haradinaj* case is only now beginning one year after the opening of the retrial. Although these cases remain within the timeline set out in resolution 1966 (2010), these trends cannot but alarm us. One example is the unacceptable situation with regard to the appeals proceedings in the *Prlić*, *Šešelj* and *Tolimir* cases, in which, as a result of the latest extension of the timelines for proceedings in both instances, the conclusion of appeals is planned for 2015, which is beyond the date set in resolution 1966 (2010) for the ICTY's closure.

We recall that the basis for the compromise that led to the adoption of resolution 1966 (2010) was the schedule for the completion of cases presented last year by the ICTY itself. We insist that the key parameters of the compromise be strictly respected. We also do not consider the arrest of Ratko Mladić to be grounds for a possible extension of the ICTY's work. Trial activities of this case in the first instance can and must meet the deadline of 31 December 2014. The appeals in that case must be heard by the Residual Mechanism.

We understand that the complications in the proceedings are to a certain extent due to the problem of the departure of staff from both Tribunals. For our part, we are ready to assist in resolving that problem. We also recognize the existence of a problem arising from a lack of space in the penitentiary systems of the States that have concluded relevant agreements with the ICTY for individuals convicted to serve their sentences in prison. This problem must also be given close attention.

Ms. Ziade (Lebanon) (*spoke in Arabic*): At the outset, I should like to thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (Rwanda) for their exhaustive briefings.

We welcome the efforts of the heads of both international Tribunals to fulfil the completion strategies for their work as soon as possible without undermining the requirements of due process. We also welcome the preparations to ensure the transition to the Residual Mechanism, in accordance with resolution 1966 (2010). We reaffirm the importance of the Tribunals' reports (S/2011/316 and S/2011/317) with respect to the transfer of a number of cases to national courts, which could facilitate the Tribunals' work and help to strengthen the capacities of national legal systems and to disseminate the culture of accountability for those responsible for war crimes and genocide.

We also understand that some difficulties are not under the control of the heads of the two Tribunals and will have a negative impact on the completion of trials on schedule. One particular problem is the departure of professionals to pursue more stable positions. We call on all parties concerned to cooperate with a view to finding an appropriate solution allowing the conclusion of the final phase of trials as soon as possible, in implementation of resolutions 1954 (2010) and 1955 (2010).

We welcome the cooperation of most States, in particular those of the former Yugoslavia and the neighbours of Rwanda, with both Tribunals. We call on those States to strengthen their cooperation in order to ensure that the Tribunals can carry out their functions. These States play a very important role in locating, arresting and transferring fugitives to the Tribunals, as well as in providing information and evidence in order to shed light on the cases and ensure that justice is done, and in facilitating greater access to witnesses and improved witness protection.

We welcome the arrest of Ratko Mladić on 26 May in Serbia and his transfer to The Hague so that he may be brought before the ICTY. We also welcome the arrest of Bernard Munyagishari in the Democratic Republic of the Congo. Justice will certainly be done, albeit late. We welcome the efforts of the Informal Working Group on International Tribunals, chaired by Portugal, and the constructive role played by the Office of Legal Affairs in contributing to the success of the Tribunals' work and its transition to the Residual Mechanism.

We recall the importance of the international Tribunals in putting an end to the culture of impunity and ensuring accountability for criminals and the rule of law at the international and national levels. We must ensure the success of the Tribunals in achieving their goals in order to render justice to the victims, which will deter criminals and protect civilians in the future, not only in the former Yugoslavia and Rwanda, but throughout the world.

Mr. Berger (Germany): I would like to thank the Presidents and Prosecutors of the International Tribunal for the former Yugoslavia (ICTY) and the

International Criminal Tribunal for Rwanda (ICTR) for introducing their reports (S/2011/316 and S/2011/317). I also take this opportunity to thank Judge Byron for his work as President of the ICTR and to congratulate Judge Khalida Rachid Khan on her election as President of the ICTR.

Germany welcomes the arrest of Ratko Mladić on 26 May and his swift transfer to the Tribunal in The Hague. We congratulate the Serbian authorities on this success. It will bring Serbia closer to its European perspective. It also demonstrates once more that there will be no impunity for the perpetrators of the gravest crimes against international humanitarian law.

By adopting resolution 1966 (2010), the Council decided, on 22 December 2010, to establish the Residual Mechanism for the ICTY and the ICTR to finish their remaining tasks. This was a landmark decision that, on the one hand, will allow the prosecution of the remaining fugitives and, on the other hand, encourage both Tribunals to ensure the completion of their work by 2014, while respecting due process standards. That will fulfil the mandate of the Tribunals and also safeguard their legacy. The jurisprudence and the successful completion of the work of the Tribunals have and will set a precedent for international criminal justice.

The Council also requested both Tribunals to take all possible measures to complete all their remaining work no later than 31 December 2014, and decided that the Mechanism would continue their jurisdiction, rights, obligations and essential functions. It is in that context that we urge the Tribunals to take all measures to complete their work expeditiously. Germany is aware of the fact that additional resources might be needed following the arrest of Mladić. We are also aware of the ongoing problems of staff retention for both Tribunals. Germany is ready to find pragmatic solutions to those challenges so that the Tribunals will be able to keep their timetables and so that no further delays occur.

The arrest of the remaining 10 fugitives, including Goran Hadžić and Félicien Kabuga, remains a top priority for the completion of the Tribunals' work. Cooperation from States is crucial to that endeavour. We call on all States to fully cooperate with the Tribunals.

With regard to the ICTY, we call on Serbia to intensify its efforts to arrest the last remaining fugitive, Goran Hadžić. We also welcome President Tadić's commitment to the continuing search for him. That should remain a key priority for the Serbian Government. We will continue to follow those efforts closely.

Turning to the ICTR, Germany welcomes the recent arrest of Bernard Munyagishari in the Democratic Republic of the Congo but nevertheless regrets that nine fugitives are still at large. We call on all States in the region, especially Zimbabwe, to render all the necessary assistance to the ICTR in order to locate and arrest those fugitives. The arrest of Félicien Kabuga should be a priority also for the Kenyan authorities.

Mr. Moraes Cabral (Portugal): I thank the Presidents and Prosecutors of the International Criminal Tribunals for the Former Yugoslavia and Rwanda for their very useful reports (see S/2011/316 and S/2011/317) and for their briefings here today. I should like especially to convey greetings to Judge Byron, along with our thanks for his work. I also warmly congratulate Judge Khalida Rachid Khan, to whom we wish every success as she assumes the functions of the presidency of the International Criminal Tribunal for Rwanda (ICTR).

I wish to make four comments.

First, I welcome the recent arrests of Ratko Mladić and Bernard Munyagishari. The arrest of Mladić — indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for genocide and crimes against humanities — is a significant outcome of the cooperation of Serbia with the ICTY and a positive step towards reconciliation in the region, as well as towards the European institutional perspective of Serbia and the other Balkan States, as the Council promptly recognized.

We also welcome Serbia's declared intention to continue the search for Goran Hadžić, the remaining person indicted by the ICTY who is still at large, on the same day that Bernard Munyagishari was arrested. He is accused of crimes against humanity during the 1994 conflict in Rwanda. He was captured after 17 years, through cooperation between the authorities of the Democratic Republic of the Congo and the International Criminal Tribunal for Rwanda. He should be brought before the ICTR, as should all those who are still fugitives.

Cooperation with the Tribunals is indeed most crucial to conclude their work. We note other developments in that regard reported by the Prosecutors, and their efforts, in cooperation with national authorities, to detain those still at large, who must be brought to trial, as well as to provide access to documents identified as necessary for their investigation. We welcome the efforts undertaken in the region by national authorities, as reported, and encourage all further possible efforts by those authorities to respond to the Prosecutors' and Tribunals' requests.

Secondly, I wish to commend the efforts put forward by the Tribunals in keeping as much as possible with the schedule of case work. In our view, it is important that the Tribunals are able to avoid significant slippage in their work in order to conclude the cases within the timeframe established, while making sure that the highest international standards of due process are preserved. On the other side, it is vital that all administrative obstacles hampering the Tribunals' work — namely, in the field of human resources — are rapidly and effectively removed. Portugal underlines the assessments of the Presidents of the Tribunals and will endeavour — in the Council, in the Informal Working Group and in the General Assembly — to support the appropriate measures, as identified, to facilitate their work, stressing the need for allowing the necessary measures to overcome difficulties, particularly in human resources management. The problem of staff attrition is a serious one, with a direct repercussion on the successful and timely transition to the Residual Mechanism. All efforts, including through flexible, pragmatic and administrative arrangements, should be made to facilitate the retention of the personnel needed to conclude in due time the cases assigned to them.

My third point is to highlight other important matters presented by the Presidents in their reports concerning the enforcement of sentences — that is, identifying and encouraging further countries willing to host convicted persons to serve their sentences and the particular situation of the three acquitted persons still remaining at a safe house in Arusha while efforts are under way to find host countries to receive them. Moreover, the question of victims — in particular, how to find a proper way to assist and support them through a possible trust fund — is yet another important matter brought to our attention by President Robinson. These are issues that we will be discussing in the framework of the Informal Working Group on International Tribunals, which I have the honour to chair.

Fourthly, I wish to highlight and commend the efforts of the Tribunals and their staff, together with the Office of Legal Affairs (OLA), in the activities conducive to the establishment of the Residual Mechanism. Both the Tribunals and OLA have important tasks to carry out under the framework established by resolution 1966 (2010) in order to ensure a smooth transition to the Residual Mechanism in approximately one year. These are also matters that the Informal Working Group on International Tribunals will follow up very closely in the months to come. I am confident of the support of all the other members of the Working Group to pursue those objectives in the most efficient way possible.

Fighting impunity and pursuing justice for victims are crucial to preventing further crimes from occurring and to helping foster reconciliation between people in the regions concerned. The task is not only the responsibility of international tribunals; it is also the responsibility of national authorities. They play a fundamental role in ensuring that impunity is not tolerated, in particular through their resolve to address these crimes at the national level. Outreach and capacity building efforts are also crucial in that regard for an enduring justice legacy. We welcome the work undertaken by the Tribunals in that vein and encourage further engagement with national authorities to increase cooperation in that framework.

A good part of the debate on this agenda item in recent years in the Security Council has centred in the completion strategies of the Tribunals. This particular focus, as relevant as it is to closing part of an important cycle of international justice, should not make us forget the important role of the Tribunals for international peace and security as a whole. I would therefore like to conclude by paying my country's homage to the outstanding contribution made by the Tribunals and their staffs, represented here by both their Presidents and Prosecutors, to the international criminal justice system and the prevention of crimes, setting an example and paving the way for the establishment of other tribunals, in particular the International Criminal Court.

Ms. Guo Xiaomei (China) (*spoke in Chinese*): I wish at the outset to congratulate you, Sir, on your

assumption of the presidency of the Council for this month. I should like to thank Presidents Robinson and Khan, and Prosecutors Brammertz and Jallow, for their briefings. I wish also to take this opportunity to congratulate Judge Khan in particular on her election as President of the International Criminal Tribunal for Rwanda (ICTR), and to thank her predecessor, Judge Byron, for the contributions he made over the years to the work of the ICTR.

I should like to make the following points.

First, with respect to the progress made in the work of the two Tribunals, last year the Council adopted resolution 1966 (2010), by which it decided to establish the International Residual Mechanism for Criminal Tribunals. Its ICTR branch and its International Criminal Tribunal for the Former Yugoslavia (ICTY) branch will begin to function in July 2012 and July 2013, respectively. In its resolution 1966 (2010), the Council also requested the two Tribunals to complete all remaining work before the end of 2014 at the latest.

In that connection, we urge the two Tribunals to take effective measures to complete their work as soon as possible, as requested by the Security Council in its resolution, and to ensure a stable transition to the Residual Mechanism.

We note that both Tribunals are facing difficulties in the retention of staff, which has had a negative impact on the Tribunals' work. We hope that they will work cooperatively with the relevant organs of the United Nations and other parties concerned to address this problem as soon as possible.

Secondly, cooperation among countries is essential to the successful fulfilment of the judicial functions of the two Tribunals. The arrest and transfer of fugitives, the acquisition and provision of evidence and the enforcement of sentences all require cooperation among countries, especially with respect to the countries of the region.

We have taken note of the recent progress made by the Tribunals in the arrest and transfer of fugitives and welcome the cooperation provided by Serbia and the Democratic Republic of the Congo in that connection to the ICTY and the ICTR, respectively. We also welcome the cooperation provided by the countries of the former Yugoslavia, including Croatia and Bosnia and Herzegovina, to the ICTY, and the cooperation provided by Kenya to the ICTR.

The Presidents of both Tribunals also highlighted the difficulties they face in the enforcement of sentences and the resettlement of acquitted persons. We call on countries that are in a position to do so to show political will and assist the two Tribunals in solving this problem.

Thirdly, the transfer of cases and fugitives, to the extent possible, to countries that are able and willing to handle them is an important step in the implementation of the completion strategy of the two Tribunals. We note that the Prosecutor of the ICTR has already provided a request to the relevant trial chamber on the transfer of the relevant cases to Rwanda. We welcome this progress and hope to see a positive outcome. In that respect, we also support full cooperation with the Tribunal by the countries concerned.

Mr. Parham (United Kingdom): I would like to start by reiterating the United Kingdom's continuing support for the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) in combating impunity and bringing justice for victims in the former Yugoslavia and in Rwanda. I commend all the judges and staff of the Tribunals for their important contributions. I convey also my thanks to Presidents Robinson and Khan and Prosecutors Brammertz and Jallow for their briefings this morning, and offer my congratulations to Judge Khan on her recent appointment as President of the ICTR. I should like also to express my Government's thanks to her predecessor, Judge Byron, for his valuable contribution to the Tribunal during his term as President.

Dealing first with the ICTY, I would like to congratulate and commend the Serb authorities for the arrest and transfer of Ratko Mladić. I encourage them not to lose momentum and to seek the apprehension of Goran Hadžić in the same way. Mladić's transfer is evidence of the Serb Government's commitment to cooperation with the ICTY and another important milestone for the Tribunal itself.

This development underlines the need for the ICTY to organize its work more efficiently and conduct trials fairly and expeditiously. The United Kingdom is particularly concerned about judgements taking up to a year and a half to be delivered after the conclusion of closing arguments. I hope that the Tribunal and the

President will take all possible steps to ensure the effective management and timely completion of all trials and appeals.

The United Kingdom welcomes the assessment made by Prosecutor Brammertz that Croatia continues to respond to his requests and provide access to witnesses and evidence as required. However, there remain inconsistencies raised in connection with the findings of the Croatian Government's task force on Operation Storm which need to be followed up, despite these having been raised by the Prosecutor in his last report.

However, I am encouraged that Croatia has said that it will continue its administrative investigation into the missing military documents concerning Operation Storm and hope that its continued efforts will soon bring about a successful resolution to this matter.

I should like to support the request made by President Robinson to all suitable nations to consider entering into sentence-enforcement agreements with the Tribunal, as the United Kingdom has done, in order to assist the Tribunal in delivering justice.

Moving now to the ICTR, I welcome the recent news that one of the remaining fugitives, Bernard Munyagishari, has been arrested in the Democratic Republic of the Congo. Congratulations should be passed to the Government of the Democratic Republic of the Congo, and I would encourage it to work with the ICTR and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to transfer custody of the fugitive without delay.

The mandate of the ICTR cannot be completed until all the remaining fugitives have been arrested and delivered into the custody of either the ICTR or the Residual Mechanism. In that regard, I call on all States Members of the United Nations to provide the ICTR with full cooperation and ensure that the remaining fugitives are brought to justice. As Prosecutor Jallow has emphasized, both Kenya and Zimbabwe need to take significant steps to cooperate with the ICTR in the tracking of Félicien Kabuga and Protais Mpiranya, so that they can be brought to justice.

In its report (S/2011/317), the ICTR has highlighted the fact that there will be slippage into 2012 of some first-instance trials, with appeals to be completed in 2014. The United Kingdom is concerned that, at this very late stage in the Tribunal's completion strategy, there should be no further delays. I would encourage all parts of both Tribunals to continue to look for innovative approaches and to share best practices wherever possible, with a view to avoiding further delays in completion. In that context, it is commendable to note the Prosecution's creative response to immediate access to materials through the electronic disclosure suite.

The United Kingdom recognizes the difficulties faced by both Tribunals as a result of staff losses. Staffing matters, as President Robinson said, are not directly within the competence of the Security Council, but nevertheless I do want to take this opportunity to express our support for action by the Secretariat and the responsible organs of the United Nations, within existing resources, in order to find practical solutions to address these problems. The Tribunals need to continue to be adequately staffed so that they can complete their work.

Mr. Osorio (Colombia) (*spoke in French*): Allow me at the outset to congratulate you, Sir, on your assumption of the responsibility of guiding our work and to wish you every success during your presidency. My delegation stands ready to provide you with the fullest possible cooperation. I wish also to thank and congratulate France for its effective presidency of the Council last month.

(*spoke in Spanish*)

I wish to thank Judge Patrick Robinson and Judge Khalida Rachid Khan for their briefings and for the important work they have done, as well as for the very frank and serious manner in which they explained the situation of the Tribunals over which they preside. I would also like to thank Prosecutor Brammertz and Prosecutor Jallow for their contributions to this debate.

My delegation believes that the two Tribunals have done commendable work in carrying out the Council's decisions on the completion strategies for the Tribunals' responsibilities. It is now up to us, the members of the Council, to take the action necessary for the process to continue in a satisfactory fashion.

I would like to highlight one aspect. In the same way that in the past the Council has expressed the need for the Tribunals to undertake a set of measures to speed up their work and rationalize their resources, at

this stage the Tribunals also have a legitimate expectation that the Council will adopt decisions that facilitate their task. We hope sincerely that we can rise to those expectations.

The legacy that the activities of the Tribunals for Rwanda and the Former Yugoslavia will leave for the advancement of the development of international law is unprecedented. The Council can be rightly proud that its historic decisions in 1993 and 1994 establishing these Tribunals prepared the way for developments leading to the establishment of an effective system of international criminal law and of the International Criminal Court.

Practically speaking, the issue of the staff of the Tribunals and their retention is without doubt the most serious problem facing both judicial bodies. President Robinson in particular made it clear that the situation in that regard had become critical and could lead at any time to a complete standstill in the workings of the Tribunal and impede its compliance with the completion strategy.

While we are aware that a definitive resolution to this problem goes beyond the scope of the Council's functions, we nevertheless sympathize with the requests that both Presidents have made in that the efforts currently being made could be strengthened if we members were vocal in our support and sent a clear and unequivocal message about the crucial importance of resolving this matter. If not, it will be difficult if not impossible to ensure the proper execution of the completion strategies. In the final analysis, that represents compliance with the relevant decisions of the Council. We Member States should ourselves be very clear about the potential negative repercussions of all sorts that could result if the staffing problems affecting both Tribunals are not resolved as quickly as possible, so that the General Assembly, through the Fifth Committee, can benefit from a similar understanding when it comes to making an informed decision.

We believe that the Council could reiterate even more vehemently its past calls for the relevant parts of the Secretariat to step up the efforts they have been making in that regard. Those efforts are laudable and deserve our full gratitude, but we believe that it is very important to impress upon all the pertinent bodies the notion that this is not an ordinary administrative problem affecting some entity or other. This is about two very prestigious institutions that are about to complete their work in a systematic and orderly way, have a high record for efficiency, were established by the Council under very specific conditions and have performed an invaluable service for the cause of international justice and the maintenance of international peace and security.

I would like to highlight a particularly interesting aspect mentioned by President Robinson in his report, namely, the possibility of establishing a mechanism or system for providing assistance and support to victims, similar to the one in place for the International Criminal Court. In that regard, we sympathize, as a matter of principle, with President Robinson's argument that the International Criminal Tribunal for the Former Yugoslavia cannot attempt to bring peace and reconciliation to the region simply through issuing judicial decisions and handing down sentences. There must also be other reparation measures to complement sentences, one of which could be the mechanism that has been mentioned for providing assistance and support to victims. Moreover, what the Council is being asked to do in this regard is to provide support, which would not imply financial obligations for States, as it would be based on voluntary contributions. My delegation calls on the members of the Council to consider Judge Robinson's request positively.

With regard to the International Criminal Tribunal for Rwanda, the most pressing problem has to do with the conditions for carrying out the functions of the President and Vice-President, as described by Judge Byron in his letter to the Secretary-General (S/2011/317). Here, once again, a subsidiary body of the Council is calling on us to adopt urgent measures to facilitate its continued operations and the conduct of existing programmes to carry out the completion strategy. I trust that we will be able to respond to these difficulties with the urgency they deserve.

Just a few days ago, through the President, the members of the Council expressed our satisfaction at the arrest of Ratko Mladić. In doing so, we reiterated our commitment to ensuring that there is no impunity for perpetrators of genocide, war crimes and crimes against humanity. The International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are the main vehicles through which the Council has exercised its will. Now, as the activities of both judicial bodies are being wound down, it is essential that we take the necessary

decisions to ensure the orderly and effective conclusion of their mandates.

Mr. Sangqu (South Africa): Allow me to thank Judge Khalida Rachid Khan, President of the International Criminal Tribunal for Rwanda (ICTR), and Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia (ICTY), for their reports (see S/2011/316 and S/2011/317) and for their leadership of those two judicial institutions, which have been so important in the fight against impunity. I am also grateful to Mr. Hassan Jallow and Mr. Serge Brammertz, the Prosecutors of the ICTR and ICTY, respectively, for all their efforts. I would also like to offer a word of appreciation to the former President of the ICTR, Lord Dennis Byron, who has presided over the Tribunal since 2007. I am aware that Judge Byron will be relinquishing his position in charge of the Tribunal to take up new challenges. We wish him well in his new endeavours. At the same time, we welcome Judge Khan and wish her all the best at this crucial time in the life of the Tribunal.

While the reports raise many of the same issues that have been presented to the Council in previous reports, notably the impact of staffing challenges on the Tribunals' capacity to meet their completion strategy, these particular reports come at an important time in the life of both Tribunals. On 22 December 2010, the Council adopted resolution 1966 (2010), which established the International Residual Mechanism for the Tribunals. The reports prepared since the adoption of that resolution have to be considered against that backdrop.

In that regard, as of 1 July 2012 and 1 July 2013, respectively, the jurisdiction rights, obligations and essential functions of the ICTR and ICTY will be transferred to the Mechanism. There is thus added urgency for both Tribunals to take all possible measures to expedite their remaining work, in order to ensure a smooth transition to the Mechanism, as stated in both reports on the Tribunals. If they are to meet the Completion Strategy, innovative judicial administrative steps will have to be taken. An important measure, which we hope the Tribunals will rely on more, is the referral of cases to domestic courts, in accordance with the respective statutes established in the Tribunals. We continue to believe that, to the extent possible, cases should be handled by domestic courts. This is both to enhance domestic capacity to promote the evolving principle of complementarity, and to ensure that, to the extent possible, justice is meted out close to the people affected by the atrocities. Thus, we call upon the Tribunals to make full and generous use of the Statutes' provisions relating to referrals. In this context, we are pleased that the ICTR Prosecutor intends to make greater use of referrals to domestic courts in future, and we welcome the domestic trials referred to by the ICTY, which are at various stages of progress. We are aware, of course, of the challenges faced by the Tribunals in finding suitable domestic courts.

My delegation also welcomes the recommendations adopted by the ICTY in June 2010 on speeding up trials that it is hearing, particularly the recommendation that the trial chambers require parties to present motions on admission of evidence as efficiently as possible.

While we continue to stress the importance of the Tribunals taking all possible measures to carry out their functions as quickly as possible, we stress that this should not prejudice the rights of the accused or fair trial standards.

The responsibility to do all that is necessary to ensure early completion of the Tribunals' work rests not only with the Tribunals but it is equally the responsibility of the international community — on whose behalf the Tribunals act — to provide necessary resources to enable the attainment of this goal. We thus assure the Tribunals that this delegation will do all that it can within the Council and the General Assembly to ensure that the necessary support is forthcoming.

We also take this opportunity to stress the importance of cooperation between the Tribunals in accordance with their respective Statutes, in particular article 28 of the ICTR Statute and article 29 of the ICTY Statute, and the relevant Security Council resolutions. We stress especially the obligation to cooperate with the Tribunals in effecting the arrest of those wanted by the Tribunals. In that connection, South Africa commends the Governments of Serbia and the Democratic Republic of the Congo for their arrests of Ratko Mladić and Bernard Munyagishari on 26 and 27 May, respectively.

We have noted the concern of the ICTR regarding the need to relocate persons acquitted by the Tribunal. But South African is also concerned about the human rights implications of retaining acquitted persons in safe houses and the slow pace of identifying adequate

places for relocation. We remain of the view that location matters must be addressed, on a case-by-case basis, with States willing and able to receive relocated persons in their territories. The ability of a State to put the necessary measures in place for effective relocation is a conclusive factor in this regard. We encourage the ICTR to continue in the context of article 26 of the Statute — which we believe is analogous — to engage Member States in the region and elsewhere with a view to identifying suitable places.

Finally, as the Tribunals move towards completing their work in accordance with the completion strategy, it is important that they also begin preparations for a smooth transition to the Residual Mechanism. We are thus pleased to note that the Tribunal organs have begun to interact with a view to ensuring a smooth transition.

Once again, South Africa thanks the Presidents of the ICTY and ICTR and the respective Prosecutors of the Tribunals.

Mrs. DiCarlo (United States of America): I greatly thank Presidents Robinson and Kahn and Prosecutors Brammertz and Jallow for their briefings today. I congratulate Judge Kahn on her new appointment and thank Judge Byron for his valuable service.

The Council has opened this debate on a day when Ratko Mladić is in The Hague. His capture, arrest and transfer to the International Criminal Tribunal for the Former Yugoslavia (ICTY) is a milestone on the path to justice and reconciliation. We commend the Government of Serbia for apprehending Mr. Mladić, and we welcome President Tadić's statement about his country's commitment to apprehending the final ICTY fugitive, Goran Hadžić. Mladić's capture means that he will now have to answer to victims for his alleged crimes, including the genocide at Srebrenica, Bosnia and Herzegovina, in 1995. It puts perpetrators of mass atrocities on notice that they will be held accountable for genocide, war crimes and crimes against humanity. We expect all United Nations Member States to take the steps necessary to bring to justice those indicted by the Tribunals.

We welcome the steady progress made by the ICTY and the International Criminal Tribunal for Rwanda (ICTR) in increasing efficiency. We urge both Tribunals to strive to complete their work at the earliest possible date. We are mindful of the importance of doing so without sacrificing the high standards of a fair trial. We urge the Presidents, and the Judges who act as managers of the courtrooms, to take every measure to ensure that trials and appeals are both expeditious and fair. These Tribunals and their predecessors have had genuine historic impact.

The establishment last December of the International Residual Mechanism for Criminal Tribunals demonstrated that war crimes fugitives cannot escape justice. The Residual Mechanism will allow for the completion of those functions that will necessarily outlast the Tribunals themselves. Transfers of cases to national jurisdictions have been made possible because States have further developed their judicial and investigative capacities. Programmes such as the joint European and ICTY training project for national prosecutors and young professionals are welcome efforts to help build such long-term capacity.

Again, we applaud the Tribunals' work thus far, and we urge them to make the most efficient use of available resources. We also encourage the Tribunals to continue to work with the United Nations Secretariat and other relevant United Nations bodies to develop practical and effective methods, including retention measures, to address the staffing shortages and attrition problems highlighted in the Prosecutors' and Presidents' reports.

The United States calls on States of the former Yugoslavia to cooperate fully with the ICTY. That is both a legal obligation and a key to Euro-Atlantic integration. We welcome the Government of Croatia's continued strong record of cooperation with the ICTY and its commitment to continue to search for any additional information requested by the Prosecutor. Croatia provided crucial witnesses and documents in the important case against Ante Gotovina and others that proved critical to the Tribunal's deliberations. We appreciate Croatia's reaffirmation of its commitment to support the ICTY through the conclusion of its processes.

Let me now turn to the International Criminal Tribunal for Rwanda. The United States welcomes the judgment in May in the case of the former chief of staff of the Rwandan army, the former head of the military police and the two former commanders of the reconnaissance battalion. This was the second case concluded by the ICTR that involved the responsibility of former senior military officers. It represents an

important step for the Rwandan people towards justice and accountability.

The United States also welcomes the recent apprehension of the fugitive Bernard Munyagishari in the Democratic Republic of the Congo. We urge all States to cooperate fully with the ICTR in their efforts to locate and apprehend fugitives. We commend those countries that are cooperating with the ICTR to bring the remaining nine fugitives to justice. We encourage continued progress so that these fugitives can be swiftly arrested.

On behalf of the United States, let me thank the Office of Legal Affairs for its dedication and service to the Tribunals. Let me also again thank the Presidents, Prosecutors, Registrars and their staffs for all that they do to promote justice under international law for the victims of war crimes and mass atrocities.

We will never be able to bring back those who were murdered in Rwanda or in the former Yugoslavia. But Ratko Mladić will now have to answer to his victims and the world in a court of law. From Nuremburg until today, my Government has long viewed justice for war crimes, crimes against humanity and genocide as both a moral imperative and an essential element of stability and peace. We reaffirm those convictions again today.

Mrs. Dunlop (Brazil): I thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their informative briefings and reports (see S/2011/316 and S/2011/317). Brazil commends their efforts towards fulfilling the remaining judicial functions of those institutions in a timely manner. We also believe that the recent arrest of Ratko Mladić brings fresh air to the prospect of judicial accountability, which is encouraging to the victims of atrocities in the territory of the former Yugoslavia.

I would like briefly to address two issues present in both reports: the completion strategy and the measures adopted so far, and staff retention. The reports of both Tribunals inform us of the challenges that those institutions have faced over the years and about important achievements in the administration of justice. We are glad to note that the use of technology in a document-intensive context has allowed for a more efficient use of resources and personnel. All initiatives to expedite the proceedings, while fully respecting the rights of the accused, should be praised. The fulfilment of the completion strategies deserves the Security Council's attention and should receive the full support of the international community as a whole.

Brazil is concerned by the issue of staff retention, as described in the reports. We agree that the Council should be attentive to the day-to-day routine of the Tribunals. The impact of the lack of adequate personnel on the work of the Tribunals should be dealt with as a priority matter by the relevant United Nations bodies.

One of the main challenges of relying on ad hoc rather than permanent Tribunals becomes clear at a moment like this, when the institution has fulfilled most of its core functions, but important tasks — such as the trials of fugitives, supervision of the execution of sentences, witness protection and the preservation of documentation — remain. Thus, it is even more important that adequate attention be given to the remaining tasks of the international Tribunals.

Brazil has actively participated in the establishment of the Residual Mechanism. We believe that such a Mechanism adds an element of certainty in the administration of justice that needs to be emphasized.

We agree that the Tribunals alone cannot bring peace and reconciliation to the region through judicial decisions. It takes time for true peace and reconciliation to lay their roots. The journey to peace and reconciliation does not necessarily need to wait for the results of the work of Tribunals such as the ICTR and the ICTY, but will never be complete without it. Brazil reiterates its understanding that the Tribunals had and will have an important impact on peace and reconciliation in the Balkans and the Great Lakes region by promoting the rule of law and judicial accountability and by helping those countries to achieve a more equal and just future.

In that context, bringing the Tribunals closer to the communities most seriously affected by international crimes is crucial to ensuring the legacy of such institutions. That is particularly relevant in the lives of younger generations. Brazil strongly believes that students, teachers and civil society as a whole must promote the relevance of judicial accountability as a necessary element of lasting peace.

Mr. Manjeev Singh Puri (India): At the outset, I would like to join others in thanking Judge Robinson, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), and Judge Khan, President of the International Criminal Tribunal for Rwanda (ICTR), for their presentations and assessment of the Tribunals. We also appreciate the briefings given by the two Prosecutors.

India welcomes the progress made by the two Tribunals in expediting their work. We appreciate the measures adopted to implement the completion strategies. The Tribunals have set up new benchmarks and adopted innovative procedures to expedite their day-to-day work, including e-Court and e-Filing, amendments to the Rules of Procedure and Evidence, and case management techniques. The adoption and implementation of e-Court and e-Filing procedures could serve as a useful model in the national courts to which some of the cases have been transferred.

We are happy to note that the ICTY has transferred all low- and mid-level accused from its trial docket to national courts, in accordance with resolution 1503 (2003), and that the Prosecutor is continuously monitoring the progress of the referred proceedings in national courts in the region. We also commend the efforts of the Prosecutor to handle such cases through effective partnerships with national prosecutors and courts in the region, including training initiatives aimed at strengthening the capacity of national systems.

It is critical that the Tribunals finish their work on time. We have listened very carefully to the concerns raised by the Presidents of the two Tribunals in relation to their ability to keep pace with their work, while adhering to the expected timelines until the close of business.

The judges have pointed out that the Tribunals' trials and appeals continue to be affected by staffing shortages and the loss of highly efficient staff members. We share the concerns expressed by the judges, especially on the need to retain adequate and experienced staff. Careful consideration should be given to the suggestions made by the Tribunals on how to address that challenge. This is a practical issue and requires the consideration of pragmatic and innovative solutions, and we stand ready to work with the other members of the Council to resolve it. Judge Robinson also raised the issue of the enforcement of sentences, which is an important matter that needs further consideration.

We welcome the cooperation extended to the Tribunals by all States concerned, which is vital to ensuring the completion of the mandates of the Tribunals and to the implementation of the completion strategies. The arrest of Ratko Mladić is an important example of effective cooperation, and we appreciate Serbia's sustained efforts in that regard. We hope that the remaining fugitives will be located soon and surrendered to the Tribunals.

We also note with satisfaction the progress made by the ICTY Residual Mechanism Steering Committee in the implementation of the International Residual Mechanism for Criminal Tribunals established pursuant to resolution 1966 (2010). A multitude of factors is involved in that process, and we hope that the Steering Committee, in coordination with the ICTR, the Office of Legal Affairs, the Archives and Records Management Section and the Council's Informal Working Group on International Tribunals, will accomplish those tasks smoothly and successfully. Any functional, operational or institutional issue in the completion strategy may be addressed by the Council as and when it arises.

In conclusion, we believe that the two Tribunals have implemented their mandates admirably. We consider that the support of the Security Council is crucial at this critical juncture in the life of the Tribunals. At the same time, we urge both Tribunals to take all necessary steps to keep the trial and appeals schedules on track. That will pave the way for the successful trials of the remaining accused and a smooth transition to an effective Residual Mechanism.

Mr. Amieyeofori (Nigeria): I join others in thanking the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their very useful briefings on the work of the Tribunals.

Nigeria welcomes the further progress made by the ICTY and the ICTR in implementing their completion strategies during the past six months. We note with satisfaction the measures taken by the Tribunals to expedite the conduct of their proceedings, including reforms, while ensuring compliance with due process standards. We believe that more tangible steps towards enhancing the current staffing levels in both

the ICTY and the ICTR will help to reinforce those improvements. We recognize that resolutions 1954 (2010) and 1955 (2010) call upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrars of the Tribunals to find practical solutions to address the issue. We therefore urge that intensified efforts be undertaken to find more pragmatic measures to address this issue more decisively. That becomes more critical as both Tribunals approach the completion of their work.

Nigeria underscores the importance of sustained and close cooperation between Member States and the Tribunals in enabling them to achieve their set goals. Those goals include the arrest of fugitives, the preparation of referrals to national jurisdictions, the relocation of acquitted persons and assistance to national prosecution authorities.

It is encouraging that both Tribunals have continued to assist in strengthening the capacity of States to try alleged violators of international humanitarian law in their own courts. Those efforts are helpful in building the legacy of the Tribunals and the institutions of international humanitarian law.

The Tribunals' continued efforts at tracking the remaining fugitives deserve our strong support. We applaud the outstanding efforts of the Serbian authorities in arresting Ratko Mladić and hope that it will help to bring reconciliation to the Western Balkans region. We also commend the authorities of the Democratic Republic of the Congo for arresting Bernard Munyagishari. We call on all relevant States to intensify efforts towards ensuring that the remaining fugitives are apprehended and brought to justice. There is also a need to intensify cooperation with the Tribunals with respect to the referral of cases to national jurisdictions and the resettlement of persons acquitted by the Tribunals.

The Tribunals have made commendable progress in raising awareness of their work through their outreach programmes. More of these activities will be needed as they gradually move towards the completion of their work. We call for sustained donor support for these activities, more particularly in funding the reference centres of information.

It is edifying to note the measures being taken by the Tribunals to implement resolution 1966 (2010). In our view, every effort should be geared towards ensuring a smooth transition to the Residual Mechanism. We therefore support the establishment of a joint action plan by the Tribunals and their Prosecutors in order to coordinate the activities and the many stakeholders that have been involved in the setting up of the Mechanism. We also commend the progress on the drafting of the rules of procedure and evidence of the Residual Mechanism and on the access and security policy for the records of the Tribunals and the Residual Mechanism.

Allow me to put on the record our deep appreciation for the diligent and valuable efforts of the Presidents and Prosecutors of the ICTY and ICTR in support of the global fight against impunity amidst very challenging circumstances.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of Gabon.

My delegation joins others in congratulating and thanking the Presidents and Prosecutors of the Tribunals for their respective briefings. I would also like to take this opportunity to welcome the excellent work done since January by the delegation of Portugal in leading the Informal Working Group on International Tribunals.

Gabon welcomes the progress made in implementing the completion strategy and commends the firm determination that the Judges, Prosecutors and staff have shown to bring about the rapid completion of their work. We are convinced that all of these efforts will enable a smooth transition towards the Residual Mechanism as provided for by the Council in resolution 1966 (2010).

Our debate is taking place at a time when important developments in the fight against impunity have just taken place. The arrests on 25 and 26 May of Bernard Munyagishari and Ratko Mladić, respectively, have great symbolic value and show the determination of Governments to cooperate in the fight against impunity in their respective States. My delegation would like to express its satisfaction and congratulations to these Governments, in particular that of Bosnia and Herzegovina.

These arrests also remind us that justice requires patience and sacrifice. We must seize the momentum thus created, and Gabon encourages the international community and concerned States to strengthen their cooperation with a view to achieving the arrest of the

other fugitives. This cooperation should also contribute to the implementation of the completion strategy.

Without efficient judicial and penal institutions, such as the International Criminal Tribunals, it would be very difficult to fight effectively against impunity or to strengthen international criminal justice. The standards-setting actions of the Security Council in this area are universal in scope and should be strengthened in time. Gabon encourages stronger political will and actions to strengthen the work of the Tribunals in their actions to complete their work within the trials' schedules. The Judges and Prosecutors have told us about the difficulties that could compromise the pursuit of their mandates. We hope that the measures recommended will be taken into consideration.

The Tribunals must be given appropriate financial and human resources until the transfer of responsibility to the Residual Mechanism. The provisions contained in General Assembly resolution 65/253 are a step in the right direction.

In conclusion, as we highlighted during the last debate on this issue (see S/PV.6434), it is important to strengthen the capacity of national judicial systems. The training of staff in national judicial institutions, in particular judges and support staff, should be a fundamental aspect of the global mechanism for implementing this strategy.

Finally, Gabon would like to thank the Office of Legal Affairs for the work it has done in supporting the various Tribunals.

I now resume my functions as President of the Security Council.

Pursuant to rule 37 of the Council's rules of procedure, I now give the floor to the representative of Serbia.

Mr. Starčević (Serbia): At the outset, allow me to express the satisfaction of the Republic of Serbia with the Security Council's recent press statement (SC/10265), and particularly with the congratulations my country received for the recent arrest of Ratko Mladić and the acknowledgment that the arrest was a clear demonstration of the Government of Serbia's cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). I would also like to thank all of the Council members who commended Serbia in their statements today.

I would also like to extend our thanks to the President and the Prosecutor of the ICTY, Judge Patrick Robinson and Mr. Serge Brammertz, for their ongoing efforts related to the Republic of Serbia's cooperation with the Tribunal. These efforts have been additionally intensified by the activities related to the conclusion of the Tribunal's mandate and the preparations for the successful commencement of the International Residual Mechanism for Criminal Tribunals.

At the same time, I would also like to welcome the President and the Prosecutor of the International Criminal Tribunal for Rwanda, Judge Dennis Byron before and Judge Khalida Rachid Khan now, and Justice Hassan B. Jallow, who, in parallel with the President and the Prosecutor of the ICTY, play an important role in closing one of the important chapters in the history of international justice and, at the same time, contribute to the establishment of the new body that will continue the legacies of the two Tribunals.

Concerning Serbia's cooperation with the ICTY, I will briefly comment on the current report of the Prosecutor (S/2011/316, annex II).

Serbia shares the Prosecutor's assessment regarding all areas of cooperation except, obviously, for the part on the fugitives. As recent developments have shown, that part of the Prosecutor's report has been rendered largely obsolete, and I am pleased that the Prosecutor, in his recent statements, including before the Council today, has recognized that fact.

In any case, Serbia is pleased to say that the arrest of Ratko Mladić came as a result of the continuous and intensive efforts of all those participating in the investigations and searches for the fugitives. The arrest of the last remaining fugitive, Goran Hadžić, will continue to be a priority for Serbia in the coming period. No impunity will be allowed and no issue in relation to cooperation with the Tribunal will remain unresolved.

Serbia has arrested and transferred to the Tribunal 45 out of 46 persons that were believed to be in Serbia. All documents requested from Serbia have been promptly delivered for the purpose of the ongoing trials and appeal procedures. Access to witnesses and State archives has been granted to the Office of the Prosecutor and to the defence teams without a single exception. For all these reasons, Serbia believes that it

has now undoubtedly achieved full cooperation with the ICTY.

Nevertheless, Serbia will continue to maintain its cooperative relationship with the Tribunal in all aspects, and will continue with its proactive approach to the stabilization process in the region, hoping that, as the Security Council has also stated, the recent actions of Serbia will bring the Western Balkans even closer to reconciliation. In this way, Serbia will continue to actively contribute to the achievement of international justice and, at the same time, to the strengthening of the European perspective of all States established in the territory of the former Yugoslavia.

Serbia remains strongly interested in the implementation of the Tribunal's completion strategy and has already expressed its interest in participating, to the greatest extent possible, in the deliberations on issues related to the archives and in the commencement of the Residual Mechanism. Serbia therefore retains its position submitted to the Security Council in October 2008 and March 2009, and reiterates its readiness to actively participate in all future discussions on these issues. My country is confident that the full level of cooperation with the ICTY it has achieved will continue in the upcoming period and that it will secure a smooth transition to future cooperation with the International Residual Mechanism for Criminal Tribunals.

Taking all of this into consideration, the Republic of Serbia wishes to address once again the grave issues of organ trafficking and persons unaccounted for after the Kosovo conflict in 1999. My country is firmly resolved to insist that the truth be established regarding all the missing persons and victims of the armed conflicts in the Balkans during the 1990s. The rejection of impunity has to apply equally to all such cases, and Serbia, which is fulfilling its obligations in this regard, has every right to insist that others do the same.

In this regard, I would like to reiterate our request that the Security Council establish an independent mechanism to conduct an overall investigation of organ crimes. Only such a mechanism established by the Security Council would have the power to conduct an impartial and full investigation of these crimes and the prosecution of all those found responsible for them. That is precisely why all other crimes committed during the conflicts in the former Yugoslavia have been and are being investigated by mechanisms established by the Security Council. To do differently with these most atrocious of crimes would truly be a monumental injustice, and we hope and believe that the Council will not allow it.

The President (*spoke in French*): I now give the floor to the representative of Croatia.

Mr. Vilović (Croatia) (*spoke in French*): At the outset, I should like to congratulate you, Sir, on your assumption of the presidency of the Security Council and to wish you a successful month. We are certain that, under your able leadership, the Security Council will discharge its great responsibilities successfully.

I would also like to express our appreciation to Presidents Robinson and Byron and Prosecutors Brammertz and Jallow for their detailed reports on the work of the Tribunals (S/2011/316 and S/2011/317) and the progress achieved in and the challenges facing the implementation of the completion strategy.

(*spoke in English*)

Furthermore, we welcome Judge Khalida Rashid Khan as the newly elected President of the International Criminal Tribunal for Rwanda (ICTR), and express our full confidence in her ability to successfully master the tremendous task in front of her.

Croatia recognizes the efforts made by the Tribunals to implement the previously elaborated strategy for the finalization of their work and the transition to the Residual Mechanism. Croatia actively participated in the creation of the Mechanism and looks forward to its future work aimed at helping safeguard the Tribunals' legacy and successfully fulfilling their residual functions, in particular regarding the processing of remaining fugitives, archives management, witness protection and the serving of sentences.

At the same time, we are aware of the many challenges facing the Tribunals, and we firmly believe that their widely recognized legitimate objectives should not be pursued at the expense of the mandate under which they were established and that they should not compromise full respect for due process standards. The Tribunals' mandate cannot be considered accomplished until all remaining fugitives accused of the gravest crimes are brought to justice.

In this context, Croatia welcomes the fact that, after 16 years, Serbia located, arrested and transferred

to The Hague Ratko Mladić, indicted for the worst atrocities committed since the Second World War. We also remember here the victims of the war crimes committed against the civilian population in Croatia, in particular in Škabrnja, Zadar, Šibenik, Kijevo, Vrlika, Sinj and other towns attacked by the Yugoslav People's Army (JNA) under orders of Ratko Mladić while he was commander of the Ninth Corps of the JNA based in Knin, Croatia; as well as his orders to launch indiscriminate attacks against civilian objects, knowing that such attacks would cause excessive loss of life or injury to civilians, in particular his attempt of flooding a large populated area by destroying the Peruča Dam.

Justice needs to be served in these cases as well. In this sense, we would regret it if Ratko Mladić were not prosecuted in The Hague for the crimes committed in Croatia. The arrest of Ratko Mladić, however, raises the hope that Goran Hadžić, the last remaining fugitive indicted by the ICTY for grave atrocities in Croatia, will also soon be rendered accountable before the International Tribunal for the Former Yugoslavia.

Croatia remains strongly committed to its cooperation with the Tribunal. This unequivocal cooperation was clearly confirmed by the Prosecutor's latest assessment, according to which

> "Croatia continues to respond in a timely and adequate manner to requests by the Office of the Prosecutor's for assistance and provides access to witnesses and evidence as required" (*S/2011/316, annex II, para. 56*).

The special task force established by the Croatian Prime Minister continues to actively pursue its investigations. During the reporting period, the task force produced three reports on current operations and a separate report summarizing all its activities and findings to date. Let me add that the task force's professionalism and competence were also duly noted and recognized by the Prosecutor in his previous report.

With regard to the missing documents that are still "unaccounted for" (S/2011/316, annex II, para. 57), let me point out that, in its summarizing report, the Task Force provided its professional assessment about the fate of the missing documents and that Croatia went on with its investigation in this matter and is strongly committed to continuing to undertake all reasonable and feasible measures at its disposal.

Over the reporting period, Croatian officials at the highest level remained engaged in direct and open dialogue with the Tribunal and the Prosecutor, who visited Zagreb on 4 May and met with the Prime Minister, the Minister of Justice, the State Prosecutor and members of the Task Force. Furthermore, Croatian judges and prosecutors participated in peer-to-peer meetings and training sessions aimed at transferring the Tribunal's institutional knowledge and specialized skills to Croatian colleagues and at enhancing national capacities and strengthening national institutions. In addition, Croatia welcomes the Tribunal's efforts focused on increasing national capabilities to handle complex war crime trials by providing trial transcripts produced in local languages to the countries of the region.

In that context, let me also mention the fifth regional conference of State prosecutors, which was hosted by the State Prosecutor of Croatia — with the participation of ICTY Prosecutor Brammertz, prosecutors from Bosnia and Herzegovina and Montenegro and the war crimes Prosecutor of Serbia — and held on 26 and 27 May in Brijuni, Croatia. The main goal of the conference was to further discuss cooperation in war crimes cases between prosecution offices from the region, the cooperation between the Office of the Prosecutor and national prosecutions and concrete cooperation projects to facilitate the exchange of information related to war crimes cases.

Let me reiterate that Croatia continues to fully cooperate with the ICTY. Croatia is convinced that the cooperation of Member States, especially those from South-East Europe, remains crucial for the successful accomplishment of the ICTY's mandate and for meeting its completion strategy goals. War crimes are not subject to statutes of limitations, which is why regional cooperation and establishing the impartiality of national courts in all the countries in the region, even after the ICTY lifetime, is so important.

Determined to implement the strategy for the investigation and prosecution of war crimes committed from 1991 to 1995, Croatia has introduced measures to reinforce and expand the positive impact of the four existing specialized war crimes courts. With a view to speeding up domestic trials, it has furthermore enabled the evidence collected by the bodies of the ICTY to be used by domestic courts.

Furthermore, in the context of the recently rendered first instance judgement in the *Gotovina et al.* case, allow me briefly to make a few additional remarks.

First, in addition to Croatia's ongoing firm determination to continue its full cooperation with the ICTY and the Prosecutor's Office, which I have already mentioned, let me also stress Croatia's strongest determination to fully respect any verdict rendered by the ICTY.

Secondly, Croatia particularly noticed the fact that the *Gotovina et al.* judgement explicitly stated that "Croatia's choice to resort to Operation Storm was not on trial" and, consequently, that homeland war is not criminalized.

Thirdly, since the Council represents a political body par excellence, we do not have any intention of discussing legal aspects of the *Gotovina et al.* judgement. That discussion will continue in The Hague between the relevant parties. At the same time, I have to underline that we respectfully but strongly disagree with some of its historical and political qualifications. Yet, let me also stress here that both President Josipović and Prime Minister Kosor clearly stated, immediately after the first instance sentence was rendered, that Croatia is a democratic State based on the rule of law, where judicial institutions are respected and their verdicts adhered to.

Full cooperation with the ICTY and respect for international justice is a lasting commitment, not only in the context of our Euro-Atlantic integration process but as a determination of Croatia's core values and its present and future role in the international community as a United Nations, NATO and, soon, European Union member. In that sense, let me reassure you, Mr. President, that Croatia will ensure that the parameters for legitimate military action, derived from the ICTY judgement and which present new jurisprudence in international law, are fully considered and respected while making decisions at the national level, as well as in bodies of collective defence and security.

Fourthly, Croatia strongly supports the Tribunal's main purpose and primary functions, which are, according to relevant Security Council resolutions, the establishment of lasting peace and reconciliation. The constructive and objective reactions of all relevant political actors in Croatia after the judgement in the *Gotovina et al.* case was rendered clearly testify to our determination in that regard. Our sympathy lies with the victims, regardless of their nationality or religion. Our allegiance is with the truth and the consequent punishment of all war crimes, regardless of the nationality or religion of their perpetrators. Our hope is that peace based on justice is possible and will be advanced by our joint endeavours.

The President (*spoke in French*): I now give the floor to Judge Robinson to respond to the comments made during the statements by members, if he so wishes.

Judge Robinson: I do not wish to respond, but I was remiss in not congratulating Judge Khan on her election to the presidency. I would like to take the opportunity to do that now.

The President (*spoke in French*): I now give the floor to Judge Khan to respond to the comments made by representatives in their statements, if she so wishes.

Judge Khan: I do not have any comments to make on the observations made by representatives.

The President (*spoke in French*): I now give the floor to Prosecutor Brammertz to respond to comments made by representatives in their statements, if he so wishes.

Mr. Brammertz (*spoke in French*): I do not have any comments to make.

The President (*spoke in French*): I now give the floor to Prosecutor Jallow to respond to the comments made by representatives in their statements, if he so wishes.

Mr. Jallow: I thank the members of the Council for their supportive comments and suggestions.

I have some brief remarks to make in relation to an issue raised by the Ambassador of the Republic of Rwanda, which relates to the two cases that have been referred to France by the International Criminal Tribunal for Rwanda (ICTR).

Those are the only cases that the ICTR has so far succeeded in referring to a national jurisdiction. I simply wish to assure him that there are very effective arrangements in place for monitoring the progress of those two cases in France. My Office has retained the services of two private law firms in France, whose responsibility it is to undertake that task on our behalf. They send regular reports to my Office, which we in

turn transmit to the Trial or the Referral Chamber for their attention. The cases, after some preliminary work, have been carried out by the French authorities following the referral and are both now before an investigating judge. The monitoring arrangements will continue to provide us with the information as to their status.

Allow me, if I may, to add, as the representative of France indicated, that I was on mission in France two months ago. One of the issues we discussed was related to those two trials. I have received assurances from various French authorities of their continued commitment to managing those cases and ensuring that they are dealt with expeditiously within the legal system. So we do have effective arrangements in place for monitoring and reporting on the status of the trials.

The President (*spoke in French*): There are no further speakers inscribed on my list.

I take this opportunity, on behalf of the Council, to thank Judge Robinson, Judge Rachid Khan, Prosecutor Brammertz and Prosecutor Jallow for their briefings to the Council.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.20 p.m.